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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/627,070 | 07/25/2003 | Shawn Owen Brume | TUC920030070US1 | 2231 |
| 46335 | 7590 | 11/01/2005 | EXAMINER | |
| DILLION & YUDELL, LLP 8911 N CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759 | | | TZENG, FRED | |
| | | ART UNIT | | PAPER NUMBER |
| | | 2651 | | |

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/627,070 | BRUME, SHAWN OWEN |
| | Examiner | Art Unit |
| | Fred Tzeng | 2651 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 April 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 12-16 is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. This office action is in responsive to the amendment filed on April 29, 2005.
Claims 2, 8 are amended with claims 12-16 newly added.

Response to Arguments

2. Applicant's arguments filed on April 29, 2005 have been fully considered but they are not persuasive.
3. In the remarks, applicant made three main points.

The first argument being that, "A frame as claimed by Applicant is therefore a modular element used to assemble or expand a data storage and retrieval system. While not stated explicitly in the terse description of the Examiner's cited reference, the 520 Series depicted by Intelligent Solutions appears to be a standalone unit". This argument is not persuasive. Even though the 520Series depicted by Intelligent Solutions appears to be a standalone unit, but the standalone unit inherently contains a frame to accommodate or hold together two to four DLT4000 or 7000 drives.

The second argument being that, "the 520 Series of Intelligent Solutions includes an Intelligrip high reliability robotic/drive system within it rather than a separate robotic picker component of an automated data storage library as claimed". This argument is not persuasive. The Intelligent high reliability robotic/drive system can function as a separate robotic picker to accurately load and unload cartridges into the drives without reliance on the cartridge slot or drive surface to guide the cartridges.

Third argument being that, "Intelligent Solutions fails to teach however that the LCD status display area is capable of touch-screen operation as required by Applicant's claims or how or why a 2-line LCD display area would be implemented or utilized as a touch-screen display device. Moreover, as the 2-line LCD is described only as a status display area, the cited portions of Intelligent Solutions fail to teach an LCD or other display device for operational control as claimed". This argument is not persuasive. The Up/Down Scroll menu feature on the Control Panel disclosed by the Intelligent Solution is a good example of implementation of touch-screen feature for operational control.

This rationale makes the applied references related to the applicant's inventions.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-11 are rejected under 35 U.S.C. 102(a) as being anticipated by ATL 4/48 Library and ATL 2/24 Library Intelligent Solution pages 1-4, hereafter as Intelligent Solution.

RE claims 1 and 5, Intelligent Solution discloses an automated data storage library (see page 1 column 1 lines 1-31; the 520 Series ATL); comprising: a frame having a plurality of data storage drives mounted thereto (see page 1 figure on 520

Series and column 2 lines 1-10; the frame can mount 2 to 4 DLT4000 or 7000 drives); a robotic picker for accessing different ones of the data storage drives via data tape cartridges (see page 1 column 3 lines 1-6 or page 2 column 1 lines 19-37; the ATL Intelligrip high reliability robotic/drive system); a single control station associated with and mounted to the frame for controlling all of the data storage drives in the frame from a single position (see 520 Series ATL figure and page 3 section on Control Panel Features and Functions); the single control station further comprising: a single display device for touch-screen, operational control of all functions of all of the data storage drives for centralizing management of all of the data storage drives (see page 3 Section on Control Panel Features and Functions; the LCD status display); and a switching unit connected to the single display device for manipulating selection of the data storage drives via microcode (see page 3 section on Control Panel Features and Functions; i.e., the up/down scroll menu item select switches Load Port Open/Close switches).

RE claim 2, Intelligent Solution discloses that the functions of the data storage drives controlled by the single control station comprises at least one of: loading and unloading data tape cartridges, resetting the data storage drives, setting error code match dumps, looking at data storage drive history for loads and power-on time, setting library control features, microcode enhancements, retrieval of microcode dumps, accessing all vital product data, and monitoring potential problems with the data storage drives (see page 3 section on Library Diagnostics, Control Panel Features and Functions, Robotics Reliability).

RE claim 3, Intelligent Solution discloses that the data storage drives determine potential operational problems prior to actual failure, and these determinations are posted to the single display device as error messages (see page 3 section on Library Diagnostics and Control Panel Features and Functions).

Re claim 4, Intelligent Solution discloses that the data storage drives are installed in the frame in a two-for-one drive solution, with individual drive connection cables extending between each data storage drive and the switching unit (see page 2 section on Standard Library Features).

Re claim 6, Intelligent Solution discloses that the single display device comprises a liquid crystal display unit (see page 3 section on Control Panel Features and Functions; i.e., the LCD status display unit).

Claims 7-11 are the method steps associated with the apparatus of claims 1-6 and therefore are rejected on the same basis as the apparatus claims.

Allowable Subject Matter

6. Claims 12-16 are allowable over the prior art of record because none of the prior art of record teaches or fairly suggests that an automated data storage library comprising a plurality of storage modular with a storage frame module, a storage shelf, an accessor module along with a robotic picker and a display device configured to display a graphical representation of a plurality of drives.

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to Fred Tzeng whose telephone number is 571-272-7565. The examiner can normally be reached on weekdays from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8400 for regular communications and 571-273-7565 for After Final communications.

10. Informal regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred F. Tzeng

FT

October 24, 2005


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600